

# FORMAL COMPLAINT ARIZONA CORPORATION COMMISSION ORIGINAL FORMAL COMPLAINT FORM



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COMPLAINANT <u>GARY R. BAHR</u> <u>LARRY C. ROWLEY</u>		COMPLAINT NUMBER <u>69901</u>	<u>06/01/2010</u>
ADDRESS <u>15150 W. AJO WAY APT 458, TUCSON AZ 85735</u>		PHONE (HOME) <u>(520) 303-6287</u>	
NAME OF RESPONSIBLE PARTY <u>TRICO ELECTRIC, GUEST CABLE</u>		PHONE (WORK) <u>(520) 903-7819</u>	
NAME OF UTILITY <u>THIM WARNER, THE WARNER,</u> <u>TRICO ELECTRIC, GUEST CABLE</u>		ACCOUNT NUMBER <u>E-01461A-10-0073</u>	
GROUNDS FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT. INDICATING DATE(S) OF COMMISSION/OMISSION OR ACTS OR THINGS COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.) <p><u>SILVER STAR DRIVE IS IN AN UNUSABLE STATE DUE TO THE FACT</u>  <u>THAT THE UTILITIES DID NOT RETURN THE ROAD TO THE CONDITION</u>  <u>IT WAS IN BEFORE THEY TRENCHED ALONG AND ACCROSS IT. ALL OF</u>  <u>THE ROAD NORTH OF THIER CROSSING HAS ERRODED AWAY AT AN</u>  <u>EXCELLERATED PACE. THE ROAD SOUTH OF THIER TRENCHING HAS NOT</u>  <u>CHANGED MORE THAN AN INCH OR TWO, WHILE THE ROAD NORTH AND</u>  <u>PARRALLEL WITH THIER TRENCHING HAS WASHED AWAY TWO OR MORE</u>  <u>FEET OF ROAD SUBSTANCE!!!</u>  <u>THE RAIN RUN OFF RUNS FROM SOUTH TO NORTH ALONG ALL NORTH/SOUTH</u>  <u>STREETS IN THIS AREA, AND FROM EAST TO WEST ON EAST/WEST STREETS.</u>  <u>SEVERAL CABLES HAVE WASHED TO THE SURFACE IN OUR AREA. SILVER</u>  <u>STAR IS NOT THE ONLY STREET THIER TRENCHING HAS DESTROYED.</u>  <u>HERMAN ROAD ALSO HAS A CABLE ON THE SURFACE. NOW IT HAS AN</u>  <u>EIGHTEEN FOOT RAVINE RUNNING THROUGH IT MAKING IT ALSO UNUSABLE.</u></p>			
NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)			
<p><u>THE STATE HAS THE RESPONSIBILITY TO PROVIDE FOR THE</u>  <u>HEALTH AND WELFARE OF IT'S CITIZENS. RETURN SILVER STAR</u>  <u>DRIVE TO THE STATE IT WAS IN PREVIOUS TO THE UTILITIES</u>  <u>TRENCHING. RESTORE THE DRAINAGE AND MAKE SURE RUN</u>  <u>OFF DOES NOT DETERIORATE THE ROAD FURTHER, SO THAT</u>  <u>NO MORE UTILITY LINES WASH UP TO THE SURFACE</u>  <u>AND CREATE PHYSICAL BARRIERS AS ARE NOW</u>  <u>PRESENT.</u></p>			
SIGNATURE OF COMPLAINANT OR ATTORNEY <u>Gary R. Bahr</u>		RECEIVED FEB 26 2010 ARIZONA CORP. COMM 400 W CONGRESS STE 218 TUCSON AZ 85701 Docketed MAR 1 2010 ne	

ARIZONA CORPORATION COMMISSION  
FORMAL COMPLAINT FORM

GROUND'S FOR COMPLAINT: (CONTINUED)

QUEST'S CABLE WAS WASHED OUT TO THE SURFACE ON SILVER STAR DRIVE, AND INSTEAD OF REPAIRING THE DAMAGE TO ROAD AND TRENCH, THEY CUT THE CABLE, AND RAN AWAY FROM THEIR RESPONSIBILITY. ALTHOUGH, THEY ARE NOT THE ONLY CULPRITS INVOLVED IN THIS TRAGEDY.

GARY BAHR, LARRY ROWLEY AND OUR NEIGHBOR JERRY TO THE NORTH SPENT MONEY OUT OF OUR POCKETS TO KEEP OUR SECTIONS OF THE ROAD FROM WASHING AWAY BY LAYING GRAVEL ALONG THE ENTIRE LENGTH OF OUR PROPERTY. BUT MANY OTHERS INCLUDING PIMA COUNTY, ANOTHER LAND OWNER ON THIS ROAD, DID NOTHING, EVEN THOUGH WE DID NOT CREATE THIS DAMAGE TO THE ROAD. ANY ENVIRONMENTAL IMPACT STUDY WOULD HAVE TO HAVE SHOWN THAT DIGGING UP SOLID CALICHE (ROCK LIKE CLAY), THUS BREAKING IT DOWN WOULD NEED SOME FORM OF PROTECTION TO KEEP THE FINE SILT IT BECOMES FROM WASHING AWAY! THE TRENCHED AREAS CHANGED FROM A ROCK LIKE SUBSTANCE TO A FINE SILT THAT BECOMES LIKE QUICKSAND EVERY TIME IT GETS WET. THEN HEAVY RAINS JUST CARRY AWAY TONS OF SOIL AS THE WATER MOVES NORTH TO THE RIVERBED.

ALL THE UTILITIES HAVE LEFT US WITH A MUDDY MESS THAT EVEN THE FIRE DEPARTMENT EMERGENCY VEHICLES CAN NOT USE. THREE FIRE ENGINES AND TWO TOW TRUCKS GOT STUCK IN THE UTILITY TRENCHES THIS LAST WEEKEND 23<sup>RD</sup> AND 24<sup>TH</sup> OF JAN 2010.

LARRY ROWLEY IS A DISABLED PERSON, WITH SEVER BACK PAIN. SILVER STAR DRIVE HAS BECOME A GAUNTLET OF PAIN HE MUST ENDURE EVERY TIME HE LEAVES HIS HOME. GARY BAHR ALSO SUFFERS EVERYTIME HE LEAVES HIS HOME, DUE TO THE ARTHRITIS IN HIS NECK. THE TWO OF US HAVE BEEN TRYING IN VAIN FOR THE LAST THREE PLUS YEARS TO GET SOMEONE TO RECOGNIZE THE DAMAGE DONE TO OUR ROAD AND PROPERTY VALUES. ALL DUE TO THE NEGLIGENCE, AND TOTAL DISREGARD, THE UTILITY COMPANIES HAVE SHOWN IN LEAVING THE ROAD IN THE DEPLORABLE

ARIZONA CORPORATION COMMISSION  
FORMAL COMPLAINT FORM

GROUND FOR COMPLAINT: (CONTINUED)

CONDITION THEY HAVE, LEAVING US NO  
RECOURSE BUT TO FILE THIS GREIVANCE AND DEMAND FOR A  
HEARING. IN ORDER TO GET THEM TO FIX THE SECTIONS OF ROADS  
THEY HAVE DAMAGED, DUE TO THE FACT THAT SAID SECTIONS ARE  
NOT OURS TO FIX, OUR SECTION OF THE ROAD WE FIXED OUR-  
SELVES AT OUR OWN EXPENCE IN ORDER TO SAVE OURSELVES  
AS MUCH GRIEF AS WE COULD !!!